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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/671,761	09/26/2000	BRADLEY S. MASTERS	K35A0657	4727

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WESTERN DIGITAL CORP.  
20511 LAKE FOREST DRIVE  
C205 - INTELLECTUAL PROPERTY DEPARTMENT  
LAKE FOREST, CA 92630

EXAMINER

DUGGINS, ALICIA M

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 07/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/671,761

Applicant(s)

MASTERS ET AL.

Examiner

Alicia M Duggins

Art Unit

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Krapf et al. (US6449767)

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Regarding claims 1,2 and 4, Krapf shows in fig.1 a method of generating a menu representing a viewing sequence of display contents during a viewer's viewing session comprising:

- recording a first plurality of display contents using a preference engine (24) to select the content to be recorded (col.2 ll.19-37; col.4 ll.24-36)
- selectively recording a second plurality of display contents upon a viewer selecting the contents to be recorded which is shown in fig.1 where the viewer is able to select content to be recorded (col.1 ll.39-43)
- defining a viewing session (col.1 l.22-46)
- defining a third plurality of display contents based upon available broadcast display contents during a viewing session (col.4 l.54-col.5 l.10)
- displaying a menu of viewing choices where the menu comprises at least one of the first, second or third plurality of display contents is shown in fig.1 on display(4) where a plurality of choices are given on the menu (col.3 ll.50-63)

Regarding claim 3, Krapf shows a viewing session having a predetermined length upon activation of the video system (col.5 ll.2-10)

Regarding claims 5 and 16, the automatic changing of channels where the channels provide broadcast information is shown in col.5 l.19 where Krapf states that "the menu of the portal screen directly guides the viewer to a preferred program..."

Regarding claims 6-11, Krapf shows the analysis of the viewing sequence for conflicts and allows for viewer intervention in the event of an error, determining

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whether the source for a video display is connected, scanning the local source to obtain content information and adding the content information to the menu (col.6 l.61-col.7 l.13)

Regarding claims 12 and 14, Krapf shows:

- an input port to receive display contents including a plurality of broadcast display contents (abstract ll.3-4)
- an output port configured to couple to a video display (abstract ll.1-3)
- a preference engine (24) coupled to the input port is shown in fig.1 where it is configured to track viewer selections of the broadcast display and create a viewer profile (col.4 ll.24-33)
- a storage device shown as a hard disk drive (12) in fig.1 is coupled to the input port, the output port and the preference engine and is configured to record a first, second and third plurality of display contents (col.3 ll.41-50)
- a management module shown as the portal image generator(14) defines a third plurality of display contents based upon available broadcast display contents (col.4 l.54- col.5 l.23)

Regarding claim 13 fig.1 shows a set-top box (2) coupled to the input port and configured to receive display contents

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Regarding claim 15, Krapf shows a local source for display content in communication with a preference engine and management module (col.2 ll.25-37)


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M Duggins whose telephone number is (703)305-5621. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (703)305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AMD  
6/28/04

  
CHRIS KELLEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600